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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 MICHAEL LEO SCHOFIELD,)
10 Plaintiff,) 3:06-cv-00200-LRH-VPC
11 vs.) ORDER
12 STATE OF NEVADA,)
13 Defendant.)
14 _____)

15 Before the court is Plaintiff's Motion Requesting Entry of Default Judgment (#22),
16 Plaintiff's Objection to Dismissal Without Prejudice (#23), and Plaintiff's Request for Special
17 Hearing (#21). This action was dismissed without prejudice based upon failure of prosecution on
18 September 10, 2007 (#19).

19 It continues to appear that Plaintiff, acting in propria persona, is under the mistaken
20 impression that service pursuant to the Federal Rules of Civil Procedure and the Nevada Rules of
21 Civil Procedure has been completed. A review of the file confirms that there still has not been
22 lawful service of process upon Defendant State of Nevada. Moreover, it appears likely that
23 Plaintiff is uninformed concerning his legal rights to bring such an action as reflected by his
24 complaint. The State of Nevada is entitled to sovereign immunity except where it may have
25 waived sovereign immunity. Plaintiff's complaint reflects his great frustration and disagreement
26 with certain state judicial proceedings, state judges, and action taken by state officers in
27 connection with a divorce action and child support matters. Judicial officers are almost always
28 entitled to absolute immunity in the performance of their duties and state officers are generally

1 entitled to either absolute or qualified immunity. It, therefore, appears that Plaintiff owes it to
2 himself to consult with legal counsel concerning his attempted legal action against the State of
3 Nevada.

4 This court has ordered this action dismissed without prejudice due to failure of service
5 and failure of the procedural requirements necessary to prosecute an action such as this one. The
6 court will not set aside the dismissal at this time. However, if after fully consulting with legal
7 counsel or retaining legal counsel, Plaintiff shows grounds that would warrant a setting aside of
8 the dismissal in this action, the court will consider them.

9 At the time of this order, this action remains dismissed without prejudice. Plaintiff is
10 strongly encouraged to consult with legal counsel.

11 Plaintiff's Motion for Entry of Default Judgment (#22) is denied, his Objection to
12 Dismissal Without Prejudice (#23) is overruled and his Request for Special Hearing (#21) is
13 denied as moot.

14 IT IS SO ORDERED.

15 DATED this 9th day of November, 2007.



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19 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE